

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Pam and Fred Gregg Jr.
1304 Bull River Rd
Noxon, MT 59853
2. Type of action: Application for Beneficial Water Use Permit No. 76N-30041837
3. Water source name: Bull River
4. Location affected by project: SWSWNW, Section 28, T28N, R33W, Sanders County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
This permit application is for a self-sustaining off-stream flow-through fish pond. The applicant proposes to pump water from the Bull River into a constructed spawning channel, through the pond and back to the river via a return channel. The requested flow rate is 775 gpm from April 1 to August 31 and 375 gpm from September 1 to March 31. The proposed pond will have a surface area of 1.49 acres and a capacity of 11.2 acre-feet. Following the initial fill, the requested annual volume of 874.8 acre-feet will be largely non-consumptive. The estimated net losses due to evaporation are 0-1 acre-feet per year. The proposed point of diversion is located in the SWSWNW, Section 28, T28N, R33W and the proposed place of use is located in the NWNWSW, Section 28, T28N, R33W.

The DNRC shall issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Sanders County Soil Survey
Montana Department of Environmental Quality – Website
National Wetlands Inventory – Website
MT Dept of Fish, Wildlife & Parks (Montana Rivers Information System) – Website

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: The Bull River is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife & Parks.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: The Montana Department of Environmental Quality has listed the Bull River on the TMDL 303(d) list. The listing shows partial support for aquatic life and cold water fishery. All other uses are fully supported by the source. The probable causes for the partial support are physical substrate habitat alterations and sedimentation/siltation due to silviculture activities and streambank modifications. The applicant would be required to obtain a 310 permit from the Sanders County Conservation District prior to any construction in or on the banks of the Bull River. The issuance of this permit should have no significant impact on water quality.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: The use of this surface water should have no impact on groundwater supply or quality.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: The diversion consists of two 10 foot long 14 inch stainless steel screens. The screen will attach to a 10 inch stainless steel pipeline that will end at a flange fitting on the bank so the screen can be maintained if needed. From the flange an 8 inch schedule 40 PVC pipe will carry the water to a concrete pump vault approximately 150 feet from the point of diversion. A 15 hp Berkley model B6ZRL will provide the suction to move the water through the pump vault and continue through an 8 inch PVC pipe to a small dissipating pool at the upper end of the spawning channel. The 220 foot long spawning channel is 1 foot wide with 1.5:1 side slopes. The channel will flow directly into the 11.2 acre-foot pond (1.49 surface acres). A berm will be constructed on the north end of the pond to provide a maximum pond depth of 15 feet. Water will return to the Bull River via a gravity system. The water will flow from the bottom of the pond through an 8 inch PVC return line. Once the water level in the pond reaches the top of a standpipe connected to the outlet pipe, water will flow out of the pond and back to the river via an open return channel and discharge approximately 50 feet upstream of the point of diversion. There will be no significant channel impacts, flow modifications or barriers to the Bull River as a result of this project.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

Determination: A report received from the Montana Natural Heritage Program indicates there are twelve species of special concern within the general area of the project. Four of these species are currently listed under the Endangered Species Act. The gray wolf is listed as endangered and the Canada lynx, grizzly bear and the bull trout are listed as threatened. The Townsend’s big-eared bat, wolverine, fisher, peregrine falcon, common loon and the westslope cutthroat trout are classified as sensitive. Two plant species are also classified as sensitive. They are the western pearl-flower and the northern beechfern. Habitat for all these species extends over numerous townships. The proposed project is located on a parcel of rural residential property with two existing homes. The proposed species of fish to be stocked in the pond is the westslope cutthroat trout.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: According to the National Wetland Inventory, other than the Bull River, there are no wetlands near the proposed project.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: The proposed off-stream pond will divert 0.8-1.7 cfs, depending on the time of year, from the Bull River. The outlet for the system is slightly upstream of the inlet. Following the initial fill, almost all of the water that enters the pond will be returned to the river. The applicant anticipates that any seepage from the pond would return to the river and evaporative losses from the pond are estimated to be between 0-1 acre-foot per year. As the project is located on property with two existing homes and the applicant intends to stock westslope cutthroat trout, the addition of the pond will have no significant impact on existing wildlife, waterfowl or fisheries. A 310 permit will be required prior to construction to prevent or minimize any impacts to the river banks when the inlet and outlet structures are installed.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: According to the USDA Web Soil Survey, the predominant soil types under the proposed project are Glacier Creek gravelly ashy silt loam. This soil type is very limited for the construction of a pond due to its gravelly nature and low percentage of clay content. The applicant has stated that the pond and channels will be lined with either natural clay or a PVC liner. This soil type is not prone to flooding and not prone to saline seep.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: The land is currently rural residential property. There will be disturbance to the vegetative cover during construction that will need to be re-seeded, preferably to native grasses. It is the responsibility of the property owner to control noxious weeds on their property.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No impacts to air quality are expected due to this project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: According to the Montana State Historic Preservation Office (SHPO), there are no previously recorded cultural sites within the area. SHPO feels there is a low likelihood that cultural properties will be impacted and that a cultural resource inventory is unwarranted at this time. The project is located on private property and any inventory that might be conducted in the future would be at the property owner's discretion.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No impacts to other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: There are no known environmental plans or goals in this area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: This project will have no significant impact on recreational or wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: This permit application will have no impact on human health.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: There are no additional government regulatory impacts on private property rights associated with this application.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact.
- (b) Local and state tax base and tax revenues? No significant impact.
- (c) Existing land uses? No significant impact.
- (d) Quantity and distribution of employment? No significant impact.
- (e) Distribution and density of population and housing? No significant impact.
- (f) Demands for government services? No significant impact.
- (g) Industrial and commercial activity? No significant impact.
- (h) Utilities? No significant impact.
- (i) Transportation? No significant impact.
- (j) Safety? No significant impact.
- (k) Other appropriate social and economic circumstances? No significant impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts – No secondary impacts have been identified.

Cumulative Impacts – No cumulative impacts have been identified.

3. *Describe any mitigation/stipulation measures:* None at this time.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* Under the no action alternative the applicant would not have the benefit of a self-sustaining fish pond.

PART III. Conclusion

1. ***Preferred Alternative:*** Issue a beneficial water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

- 2 ***Comments and Responses***

3. ***Finding:***

Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore an EIS is not necessary.

Name of person(s) responsible for preparation of EA:

Name: Denise Biggar

Title: Water Resource Specialist

Date: October 28, 2008